

Bom. Act V  
of 1879.

(e) "incumbrance" includes a mortgage, charge, usufructuary grant and any interest other than that of an ordinary tenant or of an alienee or tāluqdār, and "incumbrancer" means a person in whom an incumbrance vests;

(f) any word or expression which is defined in the <sup>1</sup> Bombay Land-Revenue Code, 1879, and is not hereinbefore defined, shall be deemed to have the meaning given to it by that Code.

Expressions defined in the Bombay Land-Revenue Code.

(2) In Part II, unless there be something repugnant in the subject or context, "tāluqdār" includes any class of holders of unalienated estates, upon which the land-revenue is fixed by a lump assessment, to whom the Governor in Council deems fit from time to time, by notification in the Bombay Government Gazette, to extend the provisions of the said part.

Meaning of "tāluqdār" in Part II.

3. [*Repeal of part of s. 114, Bombay Act V of 1879.*] *Rep. Act XVI of 1895.*

## PART II.

### SURVEY AND SETTLEMENT.

#### *Revenue survey.*

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4. It shall be lawful for the Governor in Council, whenever it may seem expedient, to direct a revenue-survey or a revised revenue-survey of any taluqdari estate, under the provisions of the <sup>1</sup> Bombay Land-Revenue Code, 1879, applicable to such surveys.

Government may direct survey of a taluqdari estate.

#### *Settlement register.*

5. The settlement register prepared by the Survey-officer under section 108 of the said Code on the occasion of making any such survey shall, unless Government otherwise direct, contain, in lieu of the particulars specified in the said section, the following particulars (namely):—

Settlement register of a taluqdari estate what to contain.

- (a) the area and assessment of each survey-number;
- (b) the name of the registered tāluqdār, and, if there are co-sharers, the name of each co-sharer and the extent of each one's interest in the estate;
- (c) if the estate is undivided,—
  - (i) the manner in which the profits derived from sources common to the co-sharers are to be distributed amongst them;
  - (ii) the share to be contributed by each co-sharer of the jamā, of police charges, of the cost of erecting and maintaining boundary-marks, and of any other charge to which under any law for the time being in force the co-sharers are liable in common

<sup>1</sup> Vol. II of this Code.

- (iii) the manner in which the co-sharers are to collect from the tenants;
- (d) if a partition of the estate has been effected and the co-sharers hold their respective shares in severalty—
  - (i) the extent and limits of each separate share;
  - (ii) the same particulars in respect of the several sub-sharers, if any, of each such share, as are required to be given concerning all the co-sharers when an estate is undivided;
- (e) the name and description and the nature and extent of the interest of every alienee and of every incumbrancer of the estate or any portion thereof, together with a specification of—
  - (i) the aggregate area over which such interest extends;
  - (ii) the amount and nature of rent, or land-revenue, if any, payable or receivable by each alienee and incumbrancer;
  - (iii) the basis of such interest, whether grant, contract, custom or other;
  - (iv) the conditions of service or other conditions on which such interest depends;
  - (v) any other particulars which Government shall from time to time direct.

#### *Determination of disputes.*

Disputes concerning matters which have to be recorded under section 5 to be determined by Survey-officer.

6. (1) If it appears to the Survey-officer who frames the said register that there exists any dispute as to any matter which he is bound under this Act to record therein, he may, either on the application of any of the disputant parties, or of his own motion, investigate and determine such dispute and frame the register accordingly.

(2) Provided that, when any such dispute shall appear to the Survey-officer to have been already finally decided by a Court of competent jurisdiction, the entry in the said register shall be made in conformity with such decision.

#### *Custody and amendment of records.*

Settlement-records by whom to be kept; and

7. (1) When the survey-settlement of a tāluqdārī estate is completed, the said register and the other records thereof shall be kept by the Collector, and every registered tāluqdār shall be entitled to receive one copy of the register free of any charge except the cost of copying.

to be from time to time corrected.

(2) So long as the said register and other records are in the charge of the Survey-officer, the said officer, and afterwards the Collector, shall cause to be entered therein all changes that occur, and everything that affects any of

the rights or interests therein recorded; and shall at any time correct or cause to be corrected any clerical error therein and also any other error which all the parties interested admit to have been made in the same.

8. (1) No suit shall lie against Government or against any officer of Government to set aside any decision or order of a Survey-officer or of a Collector under section 6 or 7.

Bar of suits against Government, etc., to set aside decisions under section 6 or 7; but effect to be given to decrees obtained by parties *inter se*.

(2) But the said register and other records shall from time to time be amended by the Survey-officer, or, when the survey-settlement is completed by the Collector, in accordance with any final decree of a Court of competent jurisdiction which the parties may obtain *inter se* on an application accompanied by a certified copy of such decree, being duly made to the Survey-officer or Collector for that purpose.

(3) In any suit in a Civil Court between the parties or persons claiming under them, a decision or order of a Survey-officer or Collector under section 6 or 7 shall not be held to be conclusive as to any matter therein decided.

9. Every change in the said register and other records shall be communicated without delay by the officer making it to each of the parties affected thereby.

Changes in records to be communicated to parties affected thereby.

### PART III.

#### PARTITION.

10. (1) Every person who has obtained a final decree of a Court of competent jurisdiction declaring him to be entitled to a share of a *tāluqdārī* estate and every co-sharer whose name is recorded, as such, in the settlement register prepared in accordance with section 5 and pending the preparation of the said register, every person whose title to any such share as aforesaid is not disputed by any other person claiming a share in the same estate, shall be entitled to have his share divided from the rest of the estate and to hold the same as a separate estate.

Persons entitled to partition.

(2) Any two or more such co-sharers or persons shall be entitled to have their shares divided from the rest of the estate and to hold the same jointly as a separate estate.

11. Applications for partitions shall be made to the *Tāluqdārī* Settlement-officer or to such other officer as the Governor in Council appoints in this behalf.

Applications for partition to whom to be made.